IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 352 OF 2007

Ashok H. Koli .....Petitioner.

versus

U.P. More and ors..... Respondents.

Mr. N.A. Sawant i/b. V.M. Parkar for the Applicant

CORAM; A.P. DESHPANDE, J.
DATED; 12TH AUGUST, 2008.

P.C.:

1. This Contempt Petition has been filed on account of non-compliance of the order passed by this Court dated 25th July 2007 in W.P. No.3112/07. While disposing of the said writ petition, this Court had directed the petitioner to file a reply to show cause notice and a further direction was issued to the Reviewing Authority to offer an opportunity of hearing to the Petitioner. The Reviewing Authority was directed to pass an order after affording an opportunity to the petitioner of being heard. Lastly it was directed that in the event, if the Reviewing Authority takes a decision to dismiss the Petitioner, the

respondent Corporation will not implement the order of dismissal for period of 15 days from the date of passing of the order. The grievance in the present Contempt Petition is that the respondent-Corporation did not wait for a period of 15 days for implementing the order of dismissal and thus have committed the breach of the order.

2. The order of dismissal which came to be passed after affording the opportunity of hearing to the petitioner, has been challenged by filing a Complaint (ULP) No. 147/07 before the Labour Court, Thane. The Labour Court has also passed an interim order at Exh.U-2, issuing a direction to pay 15% of the wages to the complainant till the decision of the main complaint. Perusal of the order passed by the Labour Court clearly reveals that the non-compliance of the direction of this Court issued in the earlier Writ Petition, has been viewed seriously by the Labour Court and the petitioner has been benefited thereby. Copy of the Labour Court's order is taken on record.

3. The respondent is Maharashtra State Road Transport Corporation and it appears that due to oversight the last direction issued by this Court, not to implement the order for a period of 15 days, was not complied with. On the basis of material on record. It is not possible to hold that the non-compliance of that part of the order was deliberate or willful. The

petitioner has proceeded thereafter in filing the ULP complaint before the Labour Court as well.

4. In the result, no interference is called for. Contempt Petition is dismissed summarily.

(A.P. DESHPANDE, J)